

PUBLIC SAFETY

This Chapter describes items in the Budget related to California's correctional system and public safety programs.

CALIFORNIA DEPARTMENT OF CORRECTIONS AND REHABILITATION

The California Department of Corrections and Rehabilitation (CDCR) incarcerates the most violent felons, supervises those released to parole, and provides rehabilitation programs to help them reintegrate into the community. The Department provides safe and secure detention facilities and necessary support services to inmates, including food, clothing, academic and vocational training, as well as health care services.

The Budget makes important near-term investments that support the Administration's long-term goals to further improve rehabilitation, reentry and restorative justice programs. It also reflects the Administration's commitment to sound correctional practices and recidivism reduction so the state meets its paramount obligations to protect the public, correctional staff, and the incarcerated population. In the coming year, the Administration will map out a plan to further transform the state correctional system with a focus on public safety, increased rehabilitation, expanded opportunities for reentry and restorative justice.

The Budget includes total funding of \$12.7 billion (\$12.4 billion General Fund and \$305.5 million other funds) for the Department in 2019-20.

POPULATION

The Budget reflects a projected average daily adult inmate population of 125,871, an average daily parolee population of 50,442, and an average daily juvenile ward population of 782 in 2019-20.

In 2011, the U.S. Supreme Court upheld the federal three-judge panel's order requiring the Department to reduce the prison population to 137.5 percent of the prisons' design capacity by June 2013, which was subsequently extended to February 28, 2016. In January 2011, the adult inmate population totaled 162,000—approximately 178 percent of design capacity. The prison population has been below the court-ordered cap since February 2015. As of June 12, 2019, the prison population was at 134.9 percent of design capacity, or approximately 2,200 inmates below the federal court-ordered population cap.

Over the past several years, significant policy changes have put the state on track to achieve a durable solution to the federal court order. For example, in 2016 voters approved Proposition 57, the Public Safety and Rehabilitation Act, to create more incentives for inmates to participate in rehabilitative programs. The Department estimates that policy changes resulting from Proposition 57, primarily related to an increase in credits earned by inmates for good behavior and rehabilitative achievements, will reduce the average daily adult inmate population by approximately 6,500 in 2019-20, growing to a reduction of 10,600 in 2021-22.

The implementation of Proposition 57 and other actions have allowed the Department to eliminate the use of out-of-state beds from its long-term court compliance strategy. All inmates exited the last out-of-state facility in Arizona at the end of June 2019.

INMATE REHABILITATION AND REENTRY

The Budget includes several proposals that provide offenders greater opportunity for rehabilitation, thereby improving offender outcomes and increasing public safety.

INTEGRATED SUBSTANCE USE DISORDER TREATMENT PROGRAM

Across the country, substance use disorders involving alcohol, opioids, and methamphetamines are on the rise, resulting in an increasing number of overdose-related deaths each year. Treatment of individuals suffering from substance use disorders involves long-term medical and/or behavioral modification components and is important in helping prepare inmates for successful reentry to society.

To combat alcohol and opioid addiction-related issues within the state's incarcerated population, the Budget includes \$71.3 million General Fund in 2019-20, \$161.9 million General Fund in 2020-21, and \$164.8 million ongoing General Fund beginning in 2021-22 to implement an integrated substance use disorder treatment program throughout all 35 CDCR institutions. The program includes the use of medication-assisted treatment (MAT) to treat inmates with opioid and alcohol use disorders, a redesign of the current cognitive behavioral treatment curriculum, the development and management of inmate treatment plans, as well as substance use disorder-specific pre-release transition planning.

REENTRY PROGRAMS AND SERVICES

Recognizing the important role reentry facilities play in rehabilitation and successful reentry into the community, the Budget includes \$7.5 million General Fund to establish two new 60-bed female Custody to Community Transitional Reentry program facilities in Los Angeles and Riverside, and expand an existing male facility in Los Angeles by 10 beds. In addition, the Budget includes \$1.5 million ongoing General Fund to provide a five-percent contract rate increase for Male Community Reentry Program providers.

While reentry facilities provide critical services to help inmates prepare for release, a successful reentry model also requires investment in services that extend beyond prison. To that end, the Budget also includes \$33 million General Fund in 2019-20, increasing to \$37 million ongoing in 2020-21, for competitive reentry grants for community-based organizations to assist formerly incarcerated individuals transitioning into the community. These programs will support linking individuals upon release from prison to healthcare, housing and employment services.

Finally, the Budget includes \$4.1 million one-time General Fund for the Board of State and Community Corrections for grants to provide services to prepare individuals serving life sentences with the possibility of parole for parole hearings and prepare exonerated individuals for reentry into the community.

IMPROVING INMATE LITERACY

The Budget includes \$5.5 million ongoing General Fund for a program targeted at improving literacy rates among the offender population. The program establishes a statewide literacy mentorship program, allowing inmate-tutors to reach a greater number of students.

INMATE COMPLAINTS OF STAFF MISCONDUCT

The Budget includes \$9.8 million ongoing General Fund to implement a new regional model for reviewing inmate complaints of staff misconduct. This new approach is intended to improve the Department's ability to review and respond to potential staff misconduct issues. It will also improve objectivity and reduce bias, increase training for appropriate staff and management, and establish internal auditing of the inquiry process.

RESTORATIVE JUSTICE AND OFFENDER ACCOUNTABILITY PROGRAMS

The Budget includes \$5 million ongoing General Fund to expand a competitive grant program to support community-based organization-led restorative justice and offender accountability programs in prison.

PROJECT REBOUND AND UNDERGROUND SCHOLARS

The Budget includes \$3.3 million ongoing General Fund to support Project Rebound, a California State University program that provides assistance to formerly incarcerated individuals seeking to enroll at participating campuses. Additionally the Budget includes \$250,000 one-time General Fund for the Underground Scholars program for formerly incarcerated students at the University of California Berkeley.

TATTOO REMOVAL PROGRAM

The Budget includes \$1.1 million ongoing General Fund to expand the existing tattoo removal program. This funding will allow the Department to remove tattoos from approximately 3,000 additional offenders per year with a focus on those who are seeking to leave gangs or are within 1 to 2 years of release on a voluntary basis.

SIGN LANGUAGE INTERPRETER SERVICES

The Budget includes \$1.5 million ongoing General Fund to improve access to rehabilitation programs and services to inmates for whom sign language is their primary method of communication.

INMATE MEDICAL CARE AND MENTAL HEALTH SERVICES

The Budget continues the state's significant financial commitment to improve the Department's delivery of health care services to inmates. The Budget dedicates \$3.5 billion General Fund to health care services programs, resulting in inmates having

continued access to mental health, medical and dental care that is consistent with the standards and scope of services appropriate within a custodial environment.

PRISON MEDICAL CARE

The Budget includes \$2.5 billion General Fund for prison medical care.

In addition to the Integrated Substance Use Disorder Treatment Program discussed previously, the Budget includes the following significant adjustments:

- \$27.9 million ongoing General Fund for the Receiver's Medical Classification Model to provide increased staffing levels for health care operations throughout California's prison system. The Medical Classification Model uses a ratio-based methodology for adjusting medical staffing levels based on inmate medical classification. The inmate population has grown older and sicker and is experiencing an increase in trauma-related incidents, which requires an update to specific model factors that determine resource needs.
- \$6 million General Fund in 2019-20 and \$5.4 million ongoing General Fund beginning in 2020-21 to provide increased staffing, facilities, and information technology equipment for expanding utilization of telehealth, which uses audio-visual technology and other electronic means to connect patients with clinicians via the Internet. This expansion will improve access to care and reduce costly transportation of inmates to health care providers outside prison walls.
- \$1.8 million ongoing General Fund to expand the Educational Partnerships Program. The program places students and recent graduates in medical professions in temporary residency and internship positions within state prisons to develop critical on-the-job skills and to address provider recruitment and retention issues. These resources are intended to support the eventual full transition of medical care back to the state.

SUPPORT FOR AGING INFRASTRUCTURE

A prison system that is safe for inmates and staff requires investments in infrastructure to provide the necessary space and tools to operate effectively. Although the state has made significant investments in rehabilitation and health care, some of the Department's core infrastructure has deteriorated and improvements must be made.

PRISON MAINTENANCE

The Department is responsible for maintaining 34 prisons with over 41 million square feet of space. These facilities require regular maintenance and repairs. The Budget includes \$18.5 million General Fund in 2019-20, growing to \$55.6 million ongoing beginning in 2021-22, to establish a new funding methodology and baseline budget for annual prison maintenance and repair costs based on square footage. In addition, the Budget includes \$25 million one-time General Fund in 2019-20 to address the Department's highest priority deferred maintenance projects. The Department has deferred critical maintenance projects, which have resulted in critical infrastructure systems deteriorating to the point of failure. The Department now has over \$1 billion in deferred maintenance projects.

ROOF REPLACEMENT

Failing prison roofs have resulted in damage to electrical systems and housing units; interruptions in rehabilitation programs, education programs and mental health treatment; and the development of mold. In continuation of the roof replacement funding provided in the Budget Acts of 2017 and 2018, the Budget includes a total of \$71.7 million General Fund over two years for roof replacement projects, including design funding at High Desert State Prison and California State Prison, Solano.

FIRE ALARM SYSTEMS

The Budget includes a total of \$59 million General Fund over two years to replace fire alarm systems and repair fire suppression systems at Mule Creek State Prison, R.J. Donovan Correctional Facility, and California State Prison, Sacramento. The State Fire Marshal identified several deficiencies during fire and life safety inspections at these institutions between 2014 and 2017. These funds will replace aging and outdated fire alarm systems and bring the existing fire suppression systems into code compliance.

FLEET ASSET REPLACEMENT

CDCR currently maintains a fleet consisting of over 7,000 vehicles such as fire trucks, buses, and other vehicles. The Budget includes \$23.6 million one-time General Fund to replace fleet assets that serve mission-critical functions.

ACCESSIBILITY IMPROVEMENTS

While the Department has made substantial improvements that have improved access considerably for inmates with disabilities, further improvements are necessary. The

Budget includes a total of \$8.4 million General Fund over two years to fund accessibility improvements for inmates with disabilities at the California Institution for Women and Mule Creek State Prison.

JUVENILE JUSTICE REFORM

Recognizing the important need to distinguish between adult corrections and juvenile strategies, the Budget moves the Division of Juvenile Justice from CDCR to a new department, the Department of Youth and Community Restoration, under the California Health and Human Services Agency (CHHS), effective July 1, 2020. The move better aligns California's approach with its rehabilitative mission and core values—providing trauma-informed and developmentally appropriate services in order to support a youth's return to their community, preventing them from entering the adult system, and further enhancing public safety.

To begin the transition, the Budget includes \$1.2 million ongoing General Fund for key staff to plan for the transition and launch of a new independent training institute that will train all staff on best practices so they can further the new Department of Youth and Community Restoration's rehabilitative mission.

The transition will also enhance the Department's ability to build enduring partnerships with state and local agencies, as well as develop community partnerships that can provide youth with essential linkage to resources for reentry. The partnership with CaliforniaVolunteers will assist current and recent Division of Juvenile Justice-committed youths in petitioning for honorable discharge designations, by pairing those youth with credible messenger AmeriCorps volunteers who themselves have had previous experience with the criminal justice system and who can help those youths navigate the petition process.

In addition, the Budget includes \$1.4 million ongoing General Fund to establish a partnership between the Division of Juvenile Justice and the California Conservation Corps to develop and implement an apprenticeship program. This program will provide skill building and job training opportunities to participating members and support them in accessing career pathways upon returning to their communities.

The Budget also includes \$8 million ongoing General Fund to establish therapeutic communities to provide youth with opportunities to discuss, demonstrate, and practice values and skills related to building positive and supportive relationships that transcend racial and gang grouping and mentality, intended to reduce violence and improve program participation.

VICTIM SERVICES

Crime victims and their families bear significant physical, emotional, and financial burdens. The Budget includes several proposals that will both assist crime victims recovering from such traumas and proactively make strategic investments to protect those who face a high risk of victimization.

CONSOLIDATION OF VICTIM PROGRAMS

Victims and survivors need to know where to turn for services, and these services should be easily accessible. While the state offers dozens of victim services programs, it currently administers these programs through multiple state departments in a manner that is not designed to maximize ease of access for victims. Over the coming year, the Administration will develop a plan to consolidate the Office of Emergency Services and Victim Compensation Board victims programs within a new state department under the Government Operations Agency and may identify victims programs in other departments that could also be consolidated. This will provide one central place for victims and their families to obtain information and access services when they are most in need. The Administration intends to submit the consolidation of victim services proposal as part of the 2020-21 Budget.

VIOLENCE INTERVENTION AND PREVENTION PROGRAM

The Budget includes \$30 million General Fund in 2019-20, of which \$9 million is ongoing, for the California Violence Intervention and Prevention Program. These grants provide funding to support services such as community education, diversion programs, outreach to at-risk transitional age youth, and violence reduction models.

FAMILY VIOLENCE PREVENTION GRANT PROGRAM

The Family Violence Prevention Program, administered by the Office of Emergency Services, provides financial and technical assistance to local domestic and family violence centers to implement family violence prevention strategies in their community and funding for a statewide family violence prevention campaign. The Budget includes \$5 million one-time General Fund for the grant program to expand domestic and sexual violence prevention efforts.

RESTORATIVE JUSTICE

The Budget includes an additional \$2 million ongoing Inmate Welfare Fund for: (1) the Office's Victim Offender Dialogue program, which employs restorative justice principles

to provide opportunities for offenders to understand the impacts their actions have had on victims, and (2) the Department's Division of Rehabilitative Programs to establish or expand Innovative Programming Grants targeting victim impact programs. These programs are unique to CDCR and will not be included in the aforementioned victims' services program consolidation.

HATE CRIMES IN CALIFORNIA

There has been a significant increase in hate crimes in California in recent years. Crimes motivated by hate are especially damaging to communities and deserve special attention from law enforcement.

DATA COLLECTION AND REPORTING

The Budget includes \$797,000 in 2019-20 and \$693,000 ongoing General Fund beginning in 2020-21 for the Department of Justice to address audit findings identifying gaps in data collection and reporting on hate crimes. These resources will allow the Department of Justice to provide additional training and guidance to law enforcement agencies on how to accurately report hate crime data and best practices to follow when conducting outreach to vulnerable communities.

NONPROFIT SECURITY GRANT PROGRAM

The California State Nonprofit Security Grant Program, administered by the Office of Emergency Services, provides support for target hardening and other physical security enhancements to nonprofit organizations that are at high risk of a terrorist attack, particularly from hate crimes based on ideology and beliefs. Continuing previous investments to protect against attacks of this sort, the Budget includes \$15 million one-time General Fund for the grant program, to assist nonprofit organizations that have historically been targets of hate-motivated violence.

LOCAL PUBLIC SAFETY

The Budget addresses the following local public safety issues.

COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING (POST)

The Budget includes \$14.9 million ongoing General Fund to restore POST to its historical budget level prior to the decline in fine and fee revenues. This funding will allow POST to restore many of the program cuts it was forced to make in recent years, including the

Quality Assurance Program, Instructor Development and Academy Instructor Training, and the Robert Presley Institute of Criminal Investigations. It will also be used to implement new, and update existing, training curriculum so that courses reflect current best practices. In addition, the Budget includes \$20 million ongoing General Fund for local law enforcement to meet training standards. For fiscal years 2019-20 and 2020-21, these local assistance funds will be prioritized for use of force and de-escalation trainings.

STANDARDS AND TRAINING FOR CORRECTIONS

The Budget includes \$6.2 million ongoing General Fund for the Standards and Training for Corrections Program, which assists local corrections agencies in improving the professional competence of their staff.

COMMUNITY CORRECTIONS PERFORMANCE INCENTIVE GRANT

The Community Corrections Performance Incentive Grant, Chapter 608, Statutes of 2009 (SB 678), was created to provide incentives for counties to reduce the number of felony probationers sent to state prison. The Budget includes \$112.8 million General Fund to continue this successful program.

POST-RELEASE COMMUNITY SUPERVISION

The Budget includes \$14.8 million General Fund for county probation departments to supervise the temporary increase in the average daily population of offenders on Post-Release Community Supervision as a result of the implementation of Proposition 57.

PROPOSITION 47 SAVINGS

Voters passed Proposition 47 in November 2014, which requires misdemeanor rather than felony sentencing for certain property and drug crimes and permits inmates previously sentenced for these reclassified crimes to petition for resentencing. The Department of Finance currently estimates net General Fund savings of \$78.4 million from Proposition 47 when comparing 2018-19 to 2013-14, an increase of \$13.8 million over the estimated savings in 2017-18.

OTHER LOCAL PUBLIC SAFETY INVESTMENTS

The Budget includes approximately \$35 million one-time General Fund for various local public safety projects, of which \$20 million is dedicated to youth diversion programs and services.

DEPARTMENT OF JUSTICE

The Attorney General, as chief law officer of the state, has the responsibility to see that the laws of California are uniformly and adequately enforced. This responsibility is fulfilled through the diverse programs of the Department of Justice. The Department of Justice provides legal services on behalf of the people of California; serves as legal counsel to state agencies; provides oversight, enforcement, education, and regulation of California's firearms laws; provides evaluation and analysis of physical evidence; and supports data needs of the California criminal justice community. The Budget includes total funding of approximately \$1 billion, including \$333.4 million General Fund, to support the Department of Justice.

ARMED PROHIBITED PERSONS SYSTEM

The focus of the Armed Prohibited Persons System (APPS) program, administered by the Department of Justice, is to disarm convicted offenders, individuals experiencing mental illness, and dangerous individuals. The APPS database, which went into effect in December 2006, cross-references firearms owners across the state against criminal history records, mental health records, and restraining orders to identify individuals who have been, or will become, prohibited from possessing a firearm subsequent to the legal acquisition or registration of a firearm or assault weapon.

Workload for the APPS program—specifically, the number of persons in the APPS database—has increased significantly in recent years. The Department has been steadily increasing the number of persons it removes from the list annually. For example, between 2014 and 2018 the annual number of individuals removed from APPS grew from 8,130 to 10,681, a 31-percent increase. However, it has been unable to keep pace with the increasing rate at which new cases are added. Over the same time period, the number of new cases increased from 7,371 to 11,333, a 54-percent increase. The increase in new cases has been driven primarily by: (1) long gun records being added to the system, (2) increased firearm sales, and (3) an expansion in the number of offenses that result in firearm prohibition. As a result of these trends, the number of persons in the APPS database increased from 21,249 to 23,222, or 9 percent, between January 2014 and January 2019.

While the APPS workload has increased, the program's fund source, the Dealers' Record of Sale Account, has a structural deficit and cannot sustain additional expenditures. Therefore, the Budget includes \$17.5 million ongoing General Fund for APPS—including \$11.9 million to shift the existing APPS program to the General Fund and \$5.6 million General Fund to support increased APPS workload. Shifting these costs to

the General Fund provides a more stable fund source for APPS and allows the Dealers' Record of Sale Account to maintain solvency to continue to support other Bureau of Firearms workload.

BUREAU OF FIREARMS WORKLOAD

The Bureau of Firearms regulates and enforces the manufacture, sale, ownership, safety training, and transfer of firearms. In recent years, there have been several laws enacted that affect the purchasing and ownership of a firearm in California, thereby increasing the Bureau's workload. As noted previously, shifting support for APPS to the General Fund has made Dealers' Record of Sale Account funds available to support the Bureau's increasing workload, which the Budget allocates as follows:

- \$5.2 million in 2019-20, \$2.7 million in 2020-21 and \$1.7 million ongoing to implement and enforce the aforementioned new laws.
- \$6.9 million ongoing to maintain other critical time-sensitive firearms workload.

Other Significant Investments:

- Sex Offender Registry, Chapter 541, Statutes of 2017 (SB 384)—\$17.2 million General Fund in 2019-20, \$15.7 million in 2020-21, and \$13.2 million in 2021-22 to continue the state's commitment to implementing SB 384, which requires tiered registration of sex offenders.
- Bureau of Forensic Services—\$15 million one-time General Fund and \$10 million one-time Fingerprint Fees Account to backfill the continued decline in fine and fee revenues in the DNA Identification Fund. This funding will enable the Department of Justice to continue processing forensic evidence for client counties. The Budget also includes \$2.6 million one-time General Fund to replace critical forensic laboratory equipment. Ongoing funding for this purpose is contingent upon the department submitting a long-term replacement plan.
- Testing Sexual Assault Evidence Kits—\$2 million one-time General Fund for grants to local law enforcement agencies to submit sexual assault evidence kits to a crime lab for testing. The Budget also includes \$854,000 one-time General Fund for the Department of Justice to test sexual assault evidence kits that are submitted by local law enforcement agencies.

CALIFORNIA PENAL CODE REVIEW

The California Penal Code has dramatically increased in size from about 234,000 words in 1965 to 1.2 million in 2018. There are more than 5,000 separate criminal provisions specifying criminal behavior, penalties for convictions, additional enhancements, and credit earning once incarcerated. This complex statutory structure requires study and recommendations to revise the Penal Code. The Budget includes \$576,000 ongoing General Fund to begin an effort under the California Law Revision Commission to simplify and rationalize criminal law and criminal procedures included in the Penal Code.